

REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

Claims 1-3, 13, 14, 21-23, 27, 32, 33, and 37 stand anticipated under 35 U.S.C. §102(b) by Clegg et al., U.S. Patent No 5,477,459. Claims 7, 8, 18, 28, 29, and 40 stand rejected as being obvious over Clegg et al. in view of Franke et al., U.S. Patent Application Publ. No. 2004/0032493. It is respectfully acknowledged that claims 4-6, 9-12, 15-17, 19, 20, 24-26, 30, 31, 34-36, 38, and 39 have been indicated as being allowable.

This amendment amends claims 1 and 13. It is respectfully submitted that claims 1 and 13, as amended, patenably define over Clegg et al. and Franke et al., whether taken singularly or in combination.

Claim 1 has been amended to recite an apparatus for determining a location of an object in an area of interest within a vehicle. The apparatus of claim 1 includes an imaging device that is fixed relative to the vehicle for obtaining an image of the area of interest and at least three identifying marks located at predetermined positions relative to the imaging device and in the area of interest within the vehicle. The apparatus also includes a memory in which the predetermined positions of the at least three identifying marks are stored and, a controller for determining whether the imaging device is calibrated properly by analyzing the image obtained by the imaging device to determine whether positions of the at least three identifying marks in the obtained image correspond to the predetermined positions stored in the

memory. The controller determines a location of the object in the area of interest when the imaging device is calibrated properly.

Clegg et al. fails to teach or suggest an imaging device that is fixed relative to the vehicle for obtaining an image of the area of interest within the vehicle. Clegg et al. discloses a sensor that is mounted on an earth moving machine and that senses light emitted from at least three markers P_1 , P_2 , and P_3 that are located at known locations on a tract of land. (Clegg et al., Fig. 9, and Col. 17, lines 18-40). Clegg et al. also fails to teach or suggest at least three identifying marks located at predetermined positions relative to the imaging device and in the area of interest within the vehicle. The at least three markers P_1 , P_2 , and P_3 of Clegg et al. are located at known locations on a tract of land and not within a vehicle.

Additionally, Clegg et al. fails to teach or suggest a controller for determining whether the imaging device is calibrated properly by analyzing the image obtained by the imaging device to determine whether positions of the at least three identifying marks in the obtained image correspond to the predetermined positions stored in the memory. Clegg et al. mentions at Col. 17, lines 36-38 that "using point sources at known locations, calibration can be checked or adjusted." Clegg et al., however, fails to disclose how the calibration may be checked or adjusted and specifically fails to disclose determining whether the imaging device is calibrated properly by analyzing an image obtained by the imaging device to determine whether positions of the at least three identifying marks in the obtained image correspond to the predetermined positions stored in the memory. Since Clegg et al. fails to teach or suggest these features, claim 1 patentably defines over Clegg et al.

Franke et al. discloses a vision system for a vehicle. Franke et al., however, fails to teach or suggest at least three identifying marks located at predetermined positions relative to the imaging device and in the area of interest within the vehicle. Franke et al. also fails to teach or suggest a controller for determining whether the imaging device is calibrated properly by analyzing the image obtained by the imaging device to determine whether positions of the at least three identifying marks in the obtained image correspond to the predetermined positions stored in the memory. Since Franke et al. fails to teach or suggest these features, claim 1 patentably defines over Franke et al.

Since neither Clegg et al. nor Franke et al. teaches or suggests the at least three identifying marks or the controller of claim 1, a combination of Clegg et al. and Franke et al. also fails to teach or suggest these features. Therefore, claim 1 patentably defines over a combination of Clegg et al. and Franke et al. Thus, allowance of claim 1 is respectfully requested.

Claims 2-12 depend from claim 1 and are allowable for at least the same reasons as claim 1. Claims 2-12 are also patentable for the specific limitations of each claim.

Specifically, claim 3 recites that each of first and second cameras are adapted to take a two-dimensional image of the area of interest and, the controller forms a three-dimensional image from the two dimensional images. Neither Clegg et al. nor Franke et al. teaches or suggests the features of claim 3. In rejecting claim 3, the Office Action relies on the Abstract of Clegg et al. The Abstract of Clegg et al., however, includes no such teachings. At most, Clegg et al. discloses determining a

location of an earth moving machine in three-dimensional space. (Clegg et al., Col. 17, lines 13-15). Clegg et al., however, fails to disclose a controller that forms a three-dimensional image from the two dimensional images. Franke et al. also fails to teach or suggest the features of claim 3. Therefore, allowance of claim 3 is respectfully requested.

Claim 13 has been amended in a manner similar to claim 1 and is allowable for reasons similar to claim 1. Claims 14-20 depend from claim 13 and are allowable for at least the same reasons as claim 13. Therefore, allowance of claims 13-20 is respectfully requested.

The rejection of claim 21 as anticipated by Clegg et al. is respectfully traversed. Anticipation requires a single prior art reference that discloses each element of the claim. W.L. Gore & Associates v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983) *cert. denied* 469 U.S. 851 (1984). For a reference to anticipate a claim, “[t]here must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” Scripps Clinic & Research Foundation v. Genentech Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

Claim 21 recites a controller for analyzing a feature of the obtained image to determine whether a view of the area of interest from the imaging device is obstructed. Claim 21 also recites an indicator that is actuatable for indicating that the view is obstructed. Clegg et al. fails to disclose either of these features of claim 21. Since Clegg et al. fails to disclose either of these features, the rejection of claim

21 as anticipated by Clegg et al. is improper and should be withdrawn. Therefore allowance of claim 21 is respectfully requested.

Claims 22-31 depend from claim 21 and are allowable for at least the same reasons as claim 21. Additionally, claims 22-31 are allowable for the specific limitations of each claim.

Specifically, claim 23 is allowable for reasons similar to those set forth above with regard to claim 3.

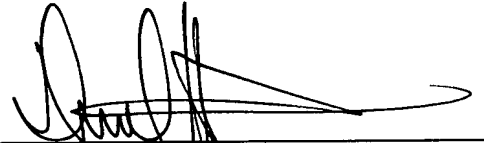
The rejection of claim 32 as anticipated by Clegg et al. is also traversed. Claim 32 recites a method that includes the steps of analyzing a feature of the obtained image to determine whether a view of the area of interest from the imaging device is obstructed; and providing an indication when the view is obstructed. Clegg et al. fails to disclose either of these steps. Therefore, the rejection of claim 32 is improper and should be withdrawn. Thus, allowance of claim 32 is respectfully requested.

Claims 33-40 depend from claim 32 and are allowable for at least the same reasons as claim 32. Therefore, allowance of claims 33-40 is respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Daniel J. Whitman', written over a horizontal line.

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